ANSWERS
Of the
COMMISSIONERS
Of the
GENERALL ASSEMBLY
Unto the
OBSERVATIONS
Of the
Honourable Committee of Estates upon the Declaration of the late Generall Assembly.

August 15. 1648.

EDINBURGH,
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The Anſwer of the Commiſsioners of the Generall Aſſembly unto the Obſervations of the Honourable Committee of Eſtates upon the DECLARATION *of the late Generall Aſſembly.*

ALthough there were other three papers delivered in to the Honorable Committee of Eſtates from the Generall Aſſembly, beſide the Aſſemblies Declaration, yet nothing was returned from their Lordſhips, except only ſome obſervations upon a part of the Declaration; Which Obſervations being ſent to the Generall Aſſembly, while they were haſtening to a cloſe, after ſo long attendance, were read and conſidered, and declared unanimouſly to be no wiſe ſatisfactorie to the Aſſembly; Who did therefore appoint us their Commiſſioners to prepare a particular anſwer thereunto: And this we are the rather willing to do, leaſt by our ſilence we ſhould ſeem to be ſatisfied with ſuch obſervations. And this onely we ſhall further premiſe that both we and the people of God in the land who expect information from us, are put upon this diſadvantage, that while many

of their Lordſhips Papers are Printed and ſpread to the detriment of Religion and the cauſe of God, the Preſſe is not patent to our papers, whereby we deſire to clear the truth. And now to come to the particulars.

Whereas their Lordſhips are pleaſed to ſay that the offers of the Committee of Eſtates for ſecuring of Religion have not been accepted by the Generall Aſſembly at the ſuggeſtion of ſome diſaffected perſons: They maybe pleaſed to remember that the Generall Aſſemblie did in ſome former papers demonſtrate to their Lordſhips by good and ſolid reaſons (never yet anſwered) that their Lordſhips offers are ſo farre from ſecuring Religion, that they are inconſiſtent with the ſecurity of Religion; In all which (we bleſſe the Lord) we had never a more unanimous Generall Aſſembly, and more free of the ſuggeſtions of diſaffected perſons: And we heartily wiſh their Lordſhips may be as free of the hearkning to the ſuggeſtions of diſaffected perſons as the Generall Aſſembly was: Neither ſhall we judge any thing before the time, concerning theſe Obſervations; but ſhall leave it to him who will bring to light the hidden things of darkneſſe and diſhoneſty, what ſuggeſtions have been made to their Lordſhips in that buſineſſe, As likewiſe: whether their Lordſhips did from a reall deſire to be informed and edified, or for ſome other ends, call for proofs from Scripture of the unlawfulneſſe of the preſent ingagement in warre; However we ſhall anſwer to the Obſervations as they are offered to us. We underſtand not why the five Arguments in the Aſſemblies Declaration brought to prove the ſinfulneſſe and unlawfulneſſe of the preſent ingagement,

ingagement, are by their Lordſhips reduced to four Claſſes: but we come to the matter.

The ſubſtance of the firſt Argument uſed by the Aſſembly was this, In all lawfull warres of the people of God, the end principally intended and driven at, is that wherein the glory of God is chiefly concerned: But in this preſent warre, the end principally intended and driven at, is not that wherein the glory of God is chiefly concerned; Therefore 'tis not a lawfull warre of the people of God. Their Lordſhips do not denie the propoſition of the argument; Onely they anſwer to one of the Scripturall proofs thereof, that the warres of Gods people were called the warres of the Lord; becauſe as they were undertaken by warrant from Gods vicegerents, ſo for an honeſt cauſe, and for the glory of God: We ſuppoſe their Lordſhips mean for the glory of God principally, and ſo yeild the point; Yet it ſhall not be amiſſe here to put their Lordſhips in mind of the other two reaſons, why the warres of Gods people were called the warres of the Lord, namely. 1. Becauſe their warres were not undertaken without conſulting of God, and his will revealed by his Miniſters, as is manifeſt from *Numb.* 27, 21. and diverſe other places. 2. Becauſe their warres were to be managed and ordered according to the Law of God. As to that which their Lordſhips ſay concerning the aſſumption of the Aſſemblies argument, We anſwer, 1. Their Lordſhips ſay nothing to it as it ſtands in the Aſſemblies Declaration with the proofs thereof; but paſſing all this, they form another aſſumption which they deny, and bring ſome reaſons for their deniall of it. The Aſſembly did clearly prove in their Declaration, that the end

principally intended and driven at in this ingagement, is not that wherein the glory of God is chiefly concerned; And this was proved by the Parliaments not satisfying of the desires of the Kirk, concerning the safety and security of Religion, as likewise by their resolutions of bringing his Majesty to some of his Houses in or near London, with Safety, Freedome and Honour, before any security had or sought from him for Religion and the Covenant, which is a manifest postponing of the safety of Religion to his Majesties safety, of the Freedome of the Gospell to his Majesties freedome, and of the Honour of God to his Majesties honour. But all this their Lordships are pleased to passe in silence; And as if the Assembly had denyed all duty to the King, they go about to prove, that tis a duty incumbent to subjects to undertake a warre for his Majesties freedome and honour (we know not why their Lordshipt omit his safety.) And severall texts of Scripture are cited by their Lordships to this end; Whereas they touch not the point in controversie *viz.* Whether, Religion being in so great danger by his Majesties opposition thereunto, it be the subjects duty to make warre for his Majesties freedome and honour, before security sought and had from him for Religion. 2. Their Lordships in stead of weakning the Assemblies first argument, do indeed adde no small strength to it; For while they are answering that very argument which challengeth the neglect of the glory of God and of Religion in this ingagement, they mention nothing of Religion, but onely the Kings freedome and honour, as the cause of undertaking the present warre. 3. The Kirk of *Scotland* hath ever been, and is most willing to resent any injuries done

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to his Majesty, and to perform every duty for his Majesties freedome and honour in the right way and order, that is, giving to God in the first place what is Gods: But it hath not been the mind of Kirk or State in this land to make War for his Majestie in an absolute way, and without any qualification, or to the detriment and hurt of Religion. For in the year 1643. this Kingdom was solicited by his Majestie to undertake War for him; but because he was ingaged in a course against Religion, and the Liberties of the Kingdoms, therefore all giving of assistance to him was declined, although at that time the Kingdoms were not joyned in Covenant: How much less is it the subjects duty, after such a Covenant, and after so much blood shed by the means of his Majesties opposing the Covenant and Reformation, and his Majesties adhering still to his former principles, yet notwithstanding of all this, to ingage in War for him, and to espouse his quarrell before security desired, and had from him for Religion. 4. The three Scriptures alledged by their Lordships, *Joh.* 18. 36. *Gen.* 14. and 1 *Sam.* 30. do in no wise help their cause, or militate against the Assemblies Argument: for there are four great differences which will marre the application of those Scriptures to the present Engagement in War. 1. *Christs* cause against the Jews, *Lots* cause against the four Kings, who had taken away him and his goods; *David* and his men, their cause against the *Amalekites* who had taken their wives captive, was without controversie a good and honest cause, and no wise to the prejudice of Religion. 2. The instruments and Managers were without exception. 3. The parties to be relieved were also without any exception, so far as can be known

known from Scripture. 4. None of the three Texts cited by their Lordships doth hold forth a War undertaken for a humane interest, with neglecting and postponing the glory of God, and therefore come not home to the point of the Assemblies Argument. When their Lordships shall prove their cause to be as good, the Managers and Parties to be as much without exception, the glory of God to be as little neglected in this ingagement, as in the example cited; then may their Lordships apply those Scriptures in reference to this Ingagement, but not otherwise. 5. Whatsoever be the duty of Subjects towards the relief of their King, which in the due order and subordination to the glory of God and security of Religion, is not denyed, we cannot see how the Text, *John* 18. 36. proveth it; seeing that Scripure holdeth forth a common custome of the world, rather then a dutie of Subjects, and sheweth what men use to do, rather then what they ought to do. And this sence may be plainly drawen from the Text it self, *If my Kingdome were of this World*, that is, as the Kingdomes of this World are, and use to be, *then would my servants fight for me*: Least of all was it our Lords meaning to allow fighting, and making warre in a cause prejudiciall and hurtfull to Religion. And whereas their Lordships say in their next citation, that *Lot* had associat himself in warre with wicked men the *Sodomites*: As hereby they tacitely intimate the lawfulnesse of association in warre with men as wicked as the *Sodomites*, So we shall humbly beseech their Lordships to observe here, how necessary it is for their Lordships to search more accurately into these Scriptural arguments, for their is no such thing in the Scripture as is cited in their Observations.

ons. We read indeed of *Abrahams* (not *Lots*) confederacy with *Aner*, *Eshcol*, and *Mamre*; but that these three were either Idolaters, or wicked men, is more then can be proved. 6. The following Paragraph is as wide from the point, proving what no body denies, *viz.* The duty of honouring Kings. We wish their Lordships may seriously ponder two things joyned with this duty in the first Text cited by themselves: One is fear God, and this is put in the first place; Another is, medle not with them that are given to change; Whereby we are warned that under collour of doing for the honour of Kings, we may not joyn with those who fall off from the cause and wayes of God. To presse any duty concerning the Kings honour, with the neglect or prejudice of the honour of God, is indeed to use libertie as a cloak of Maliciousnesse; so that this falleth back upon them who charge it without cause upon others. The text 1 *Sam.* 15. 30, 31. Is no better applyed; for when Samuel yielded to honour Saul before the people, and to turn again with him, It was upon his confession and acknowledgment of his sinne; and with all, Saul was so honoured before the people that Agag was cut in peeces.

The second Argument of the Generall Assembly was to this purpose; Every ingagement in warre which is pretended to be for Religion, and yet hath in it a confederacie and association with wicked men, and enemies of true Religion, is sinfull and unlawfull: But the present ingagement in warre is pretended to be for Religion, and yet hath in it a confederacy and association with wicked men, enemies of true Religion; Therefore 'tis unlawfull. Their Lordships are pleased to make four

answers, the first three against the proposition, the fourth against the assumption. First they say associations were forbidden with the *Canaanites*, because they were destinate to destruction, and their countrey promised to Gods people. If the meaning be, that the prohibition of association with the *Canaanites* and the ground thereof was temporary, and such as concerned the Jews onely, and that 'tis now free to the people of God to associat with such as the cursed *Canaanites*, let any who is of that judgement speak it out in time. To us it seems manifest from Scripture, that the chief ground and reason of that Law was morall and perpetuall, such as concerneth us in all like cases, *viz.* Lest they should make *Israel* to sinne, and be a snare unto them *Exod.* 22, 33. and 34, 12, 15. *Deut.* 7. 4. And whereas their Lordships say, that they hope there is none who pretendeth such a warrant for destroying all who differ in Religion from them, we shall here passe what their Lordships seem to suppose, but cannot be proved, namely, that the Jews had such a warrant, or did pretend to it; Onely we shall desire that their Lordships may never forget that they are ingaged by solemn Covenant to God, that they shall sincerely really and faithfully endeavour the discovery, triall and condigne punishment of Malignants, Incendiaries and enemies of reformation; Now then can it be lawfull to associate with them, as long as they remain such? Or how can their Lordships joyn with those as friends of the cause who by the Covenant ought to be tried and punished as enemies to the cause?

Secondly, 'tis answered in the Observations that confidence and trust in these worldly helps are forbidden.

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It seems their Lordships understand the Scriptures cited in the Assemblies Declaration, to condemn, not the association of it self with wicked men, but confidence in the associats. And if so, then association with wicked men is no more sinfull then association with good men; for we may not put trust and confidence in worldly or humane helps from whomsoever we have them. We shall yet desire that their Lordships may take a further review of the Scriptures cited in the Assemblies Declaration (which for brevities cause we do not here repeat) and we doubt not, but it will plainly appear to every one who looketh upon these Scriptures, that associations with such men in warre, are condemned as unlawfull and sinfull in themselves. As to the instances adduced by their Lordships from the examples of our Ancestors: The desire of the Generall Assembly 1583. that there might be a band of union betwixt the Christian Princes, professing the true Religion for defence thereof, against the persecution of Papists, was a most just desire, neither can such application be drawen from it, as it is brought for: A band of union with Princes, professing the true Religion is hugely different from an union and [illegible] with the professed enemies of the true Religion, which is the case now in controversie. As touching the help which our fathers had from *England* then under prelacie and the Service-Book: As there have been in *England* ever since their first reformation, many who kept themselves free of these corruptions, So they who at that time came from *England* for help and assistance to this kingdome invaded by the French, had not born Armes against the reformation of Religion, as they have done who are now associated with. Be-

ſides all this, the evils of Prelacy and the Book of Common-Prayer were not then diſcovered in any ſuch meaſure or degree as now they are, neither were the Kingdoms then obliged by ſolemn Covenant as now they are for extirpation thereof.

Thirdly, tis anſwered in their Lordſhips Obſervations, that there is a great difference in joyning with ſtrangers Idolaters, and ſubjects obliged in a common duty, living under a King. But we ſhall deſire it may be remembred. 1. That the preſent ingagement in warre cannot be purged of all aſſociations with ſtrangers Idolaters. 2. Their Lordſhips diſtinction is as if one ſhould ſay (which no man will admit) that ſtrangers who are enemies to the King, ought not to be taken to fight in the Kings Wars, yet they who live in his Dominions and did once ſwear Allegiance to him, though afterwards they have Rebelled againſt his Majeſtie and his Laws, and ſtill continue in Rebellion may be truſted, aſſociated and joyned with in the Kings Wars. If a faction of Rebels againſt the Lord be admitted to fight in a War which is pretended to be for Religion, and yet a faction of Rebels againſt the King be not admitted to fight in the Wars for the King, how do men lay themſelves open how much they ſlight and deſpiſe the Honour of God, and how prodigall they are of his cauſe. 3. Tis all one to the point of unlawfulneſſe, whether ſuch aſſociations be with the Enemies of true Religion without or within the Kingdom, even as tis all one to the unlawfulneſſe of marriage with Idolaters, and of familiar converſation with ungodly men, whether they be without or within the Kingdom. Were not thoſe military aſſociations of *Jehoſhaphat* with *Ahab*, 2 *Chron.*

19.2. and of *Amaziah* with the 100000. men of *Israel*, 2 *Chro.*25.7.8. condemned upon this reason, because the associats were ungodly haters of the Lord, and because God was not with them. Which reasons will extend against all military associations (and especially in a cause of Religion, which is the present case) with a known Faction of Malignant and wicked Enemies of Religion.

Fourthly, Tis answered, that their Lordships have declared, *that they will associate with none but such as will ingage themselves to be faithfull in the Ends of the Covenant, and who do so, cannot be repute Malignants*, that is, *Popish and Prelaticall, unlesse they be false hypocrites.* Whereto passe that their Lordships do not make it plain that they mean of the Solemn League and Covenant, It is to be observed 1. That their Lordships are not pleased to say that they will associate with none, but such as take the Covenant, yea rather their Lordships tacitely yeild, that they will associate with such as neither have taken nor will take the Covenant, so that they ingage themselves in those generall and ambiguous termes that they will be faithfull in the Ends of the Covenant: 2. Their Lordships are here pleased to make the signification of the word Malignants, commensurable with the Popish and Prelaticall party; whereas there are divers Malignants who are not of the Popish and Prelaticall party, but drive at an Arbitrary Government, and are against the Covenant, the Reformation of Religion and Liberties of the Kingdoms. 3. How can it be supposed that they who will not take the Covenant, yea, have born armes against it, and still continue in their former principles, can really or truly engage themselves to

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be faithfull in the Ends of the Covenant, or that they will be indeed faithfull in these ends, and if there were no more, how can they be faithfull to that end of the Covenant which concerneth the discovery, triall and punishment of themselves and others of their kinde.

The third Argument in the Assemblies Declaration was to this sence. Whatsoever ingagement in War is undertaken without first essaying the lawfull, possible and ordinary means of preventing bloodshed, is unlawfull and sinfull: But the present Engagement is such: Therefore, &c. 'Tis to be observed that their Lordships do not deny the proposition, but only the assumption of this Argument: The reasons of their deniall are two, 1. Because the Commissioners at *London* did represent wrongs and seek reparation. 2. Because a Messenger was sent with the demands of the Parliament of this Kingdom to the Kingdom of *England*. But here 'tis not to be forgotten, that neither the Commissioners at *London*, nor the Messenger here meant of, did make known to the Parliament of *England* the breaches found and declared by the Parliament of this Kingdom in their Declaration to the Kingdom concerning the grounds and causes of the present ingagement. How can it then be supposed that all the means of preventing bloodshed were sufficiently essayed, seeing the very grounds and causes of the War found by the Parliament of this Kingdom were not so much as made known to the Parliament of *England*, that their Answer thereunto might be heard. And whether there is some other mysterie in the not making known those breaches to the Parliament of *England*, time may peradventure discover. 2. Their Lordships are pleased here to passe in silence that which

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ſeemed moſt ſtrange to the General Aſſembly, that the offer of a Treaty upon the Propoſitions of both Kingdoms being made by the Parliament of *England*, was yet ſlighted and not embraced by the Parliament of this Kingdom. 3. Was not the Town of *Berwick* ſeized upon (which Act now their Lordſhips own in this Paper of their Obſervations) before the Meſſenger was ſent with the Demands to the Houſes of Parliament, from all which laid together, it will quickly appear that this ingagement was undertaken without firſt eſſaying thoſe amicable and peaceable wayes, which might and ought to have been uſed for preventing of bloodſhed.

The fourth Argument was this; Whatſoever ingagement in War hath in it the breach of a Solemn Covenant made with God, is ſinfull and unlawfull: But the preſent ingagement is ſuch: Therefore, &c. The propoſition is yeilded, and their Lordſhips conceive it needleſſe to prove it. But when we obſerve how many there are who make no conſcience of the Covenant, and in their deeds do deny it; we cannot think it needleſſe but neceſſary to ſhew from the Word of God how great a ſin the breach of Covenant is: As to the Aſſumption which was verified in all the Articles of the Covenant, Their Lordſhips ſay that the breach of the firſt Article is inſtructed in the Declaration of the Aſſembly by the induction of three particulars: But upon a review their Lordſhips will finde, that the breach of that firſt Article is inſtructed by five inſtances. And as their Lordſhips make the inſtances fewer then the Aſſemblies Declaration doth, ſo the third inſtance as 'tis expreſſed by their Lordſhips, is not in the Declaration of the Aſſembly, *viz.* The not anſwering of the Petitions

titions of Presbyteries and Synods. To the first instance 'tis answered by their Lordships, that the State hath not quarrelled any Ministers Doctrine though they may quarrell seditious Doctrine. We thank God their Lordships have no just cause (so farre as we know) to charge sedition or seditious Doctrine upon any Minister who hath freely and faithfully reproved the sinnes of the times: And we do not doubt but every faithfull Minister is able to say as *Paul* said, and according to *Pauls* meaning, they found me not raising up the people neither in the Synagoge nor in the City, neither can they prove the things whereof they now accuse me. It was not affirmed in the Declaration of the Assembly, either that the Parliament or Committee of Estates quarrell Ministers Doctrine, but quarrelled it is very frequently by most, if not by all of those who are most active & forward in the present engagement. However, the judgment of Ministers Doctrine belongeth to the judicatories of the Kirk, both by Divine right and by the Law of the land; and we hope their Lordships do not intend under collour of quarrelling sedition, a new way of trying and judging Ministers Doctrine, nor to assume to themselves the exercising of the same power over all persons of whatsoever estate, degree, function or condition they be of, in all matters wherein they shall be charged to answer; A power once granted to the Councell in the 129. Act *Parliament* 8. King *James* 6. anno. 1584. But was afterward abrogated in the 114. Act *Parliament* 12. King *James* 6. anno 1592. as likewise in the Act recissory 1640.

The second instance was the disturbing of, and withdrawing from the Worship of Go & namely from the late

late solemn humiliation. Although the Assembly did not lay the strength of their argument either upon this instance or the former, their Lordships shall wot, that such disorders are not owned by them, and shall be censured when represented to them and duly instructed. But we shall crave leave to put their Lordships in mind, that some of those disorders were particularly represented to their Lordships and offered to be instructed, yet not tryed nor punished; And we wish their Lordships may sadly ponder in their own consciences, whether they be not really owners of, and accessary unto such disorders, as knowing of and having power to punish yet they do not punish. Whatever insolencies or disorders were committed by some in former expeditions, can be no excuse or extenuation of the like and worse exorbitancies now. Neither can it be denied, but former disorders and scandalls when known, were not onely represented by the Ministery, but searched after, and oftimes exemplarily punished by those who had Power and Authority for that effect.

The third instance hath more strength in it then their Lordships are pleased to take notice of. We do not argue that their Lordships not granting of all the desires of the Kirk doth inferre, that they maintain not the government of the Kirk; But the force of the reason is, that their Lordships not granting so much as one of those things which were desired by the Kirk, as necessary to the preservation of the true reformed Religion, may inferre that the true reformed Religion is not preserved and maintained according to the Covenant. It seemeth strange to their Lordships that the Kirk should be both Petitioners and Judges of their own Petitions.

There may lurke some ambiguity in the word Judge, but we had thought it no strange thing for Petitioners to judge of the answer of their Petitions by the judgement of Christian prudence and discretion, whether the answer be satisfactorie to their consciences or not; And when Kirk Judicatories are the Petitioners, it belongeth to them more peculiarly, not onely by the judgement of discretion, common to all Christians, but by a ministeriall and directive judgement to determine so great a case of conscience, whether an answer returned to Petitions concerning the safety and security of Religion be satisfactory in point of conscience or not. Their Lordships argument seemeth much more strange to us, namely, that if their Lordships not granting of all the desires of the Kirk (suppose them all to be just without controverfy) inferre that they maintain not the government of the Kirk, may not they also conclude, that the Generall Assembly maintaineth not the just Authority of their Civill government, because they refused the just desire of the Committee of Estates for granting them the space of 2. or 3. dayes to propone their just exceptions against the proceedings of the late Commission of the Kirk before the Assembly should approve them, as also because they refused the Pious and Lawfull desire (as their Lordships call it) for Ministers to the Army. Where 1. As their Lordships make themselves judges of their own desires, as much as the Kirk hath judged of theirs, so these desires proposed to the Generall Assembly, being about matters meerly Ecclesiasticall, *viz.* The approving of the proceedings of the Commission of the Kirk, and the appointing of Ministers for the Army, we cannot but offer it to their Lordships second thoughts,

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how their judging and determining thereof not onely without, but against the judgement of the Generall Assembly, can consist with the established Law of the Land, that all matters Ecclesiasticall shall be determined by the Assembly of the Kirk, and all matters Civill by Parliament. 2. The truth is, Neither of those desires refused by the Generall Assembly were just; That the desire of Ministers to the Army was not a just desire, the Generall Assembly hath discovered abundantly in their Declaration; And as to the other desire, there is an expresse Act of the Generall Assembly 1601. That the proceedings of the Commissioners for the publick affaires of the Kirk shall be examined by the ensuing Assembly in the beginning thereof, & approved or censured before the Assembly take in other matters: notwithstanding whereof, when the late Generall Assembly begunne to examine the proceedings of the late Commission, and notwithstanding that the Committee of Estates had sufficient time before, to prepare any exceptions which they had to offer; Yet at their Lordships desire, the Assembly agreed to a new delay for a competent space, professing to the Earl of *Glencairn* then sent by their Lordships to the Assembly, that the Assembly should then be ready to here their Lordships exceptions against the proceedings of the said Commission; But no exceptions being given in at the time appointed, the Assembly was necessitated to proceed, having many things of importance to do, which could not orderly be brought in till the proceedings of the late Commission were first examined.

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how their judging and determining thereof not onely without, but against the judgement of the Generall Assembly, can consist with the established Law of the Land, that all matters Ecclesiasticall shall be determined by the Assembly of the Kirk, and all matters Civill by Parliament. 2. The truth is, Neither of those desires refused by the Generall Assembly were just; That the desire of Ministers to the Army was not a just desire, the Generall Assembly hath discovered abundantly in their Declaration; And as to the other desire, there is an expresse Act of the Generall Assembly 1601. That the proceedings of the Commissioners for the publick affaires of the Kirk shall be examined by the ensuing Assembly in the beginning thereof, & approved or censured before the Assembly take in other matters: notwithstanding whereof, when the late Generall Assembly begunne to examine the proceedings of the late Commission, and notwithstanding that the Committee of Estates had sufficient time before, to prepare any exceptions which they had to offer; Yet at their Lordships desire, the Assembly agreed to a new delay for a competent space, professing to the Earl of *Glencairn* then sent by their Lordships to the Assembly, that the Assembly should then be ready to here their Lordships exceptions against the proceedings of the said Commission; But no exceptions being given in at the time appointed, the Assembly was necessitated to proceed, having many things of importance to do, which could not orderly be brought in till the proceedings of the late Commission were first examined.

The fourth instance (though their Lordships do not take notice of it as such) was taken from a limitation

and restriction in the late Declaration of the Committee of Estates: Their Lordships answer confirmeth our Argument, For they so farre adhere to that restriction *as it is established by Law*, That in their Lordships opinion, the true reformed Religion in Doctrine, Worship, Discipline and Government in this Kirk, cannot be otherwise maintained and preserved, but as 'tis established by Law, unlesse (as they say) some would have their Lordships to maintain some novations in Doctrine, Worship, or Government, though not established by Law. Their Lordships might have taken notice from the Assemblyes Declaration that there are diverse things by the mercy of God enacted by Generall Assemblyes, which yet are not by his Majesties goodnesse established by Law; Neither is there any part of the uniformity agreed upon in both Kingdomes, as yet by his Majesties goodnesse established by Law among us. We are heartily sory that their Lordships should look upon so many good and necessary Acts of Assemblies, as novations, and that their Lordships are not to maintain them. We marvell why their Lordships should account it any breach of Charity to say that his Majesty hath not established by Law, all that hath been by the mercy of God enacted in Generall Assemblyes. Their Lordships cite the Assembly 1639. As acknowledging his Majesties goodnesse in establishing the work of Reformation; Yet there is nothing in the supplication of that Assembly looking toward their Lordships restriction, or contrary to that passage of the late Declaration into which their Lordships reply; Neither will it be a good paralell between a time of his Majesties granting, and a time of his refusing the desires of his good Subjects concerning Religion.

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The fifth instance which concerneth all the rest of the first Article of the Covenant, their Lordships do wholly pretermit; therefore we come to the Observations upon the second Article.

The first instance of the breach of that Article was taken not from their Lordships desire of the Queens return; but from their desire of her return without any condition tending to the restraint of her Masse and exercise of Popery. We do not say that the solemn league and Covenant dissolves the Covenant of Marriage between the King and Queen: But if their Lordships by defending and asserting that Covenant of Marriage, mean to defend all the Articles of contract, whereof one is, that she shall have the free exercise of her own Religion and her Priests to attend her; How then can their Lordships avoid the Toleration of Popery, contrary to the Covenant. As for the Sectaries, If their Lordships or any other know any in this Kirk of *Scotland*, who gave them encouragement or hopes of Toleration, we desire it may be made timely known, that such persons (if any be, for we know none such) may be tried, censured and avoided.

To the second instance, concerning his Majesties concessions, their Lordships make no particular nor plain answer, though it hath been often and earnestly desired, onely they referre to what they have said before, and so do we to what was answered before.

In their Lordships answer to the third instance, The subordination and due order between duties to God, and duties to the King is still forgotten; Their Lordships presse the doing of duties to his Majesty, notwithstanding the fear of any bad consequence. But,

1. How much more ought we to do duty to God, what ever danger or bad consequence may come thereby, 2. The point which was to be proved, was, that it is a duty to undertake a War for his Majesties restitution to some of his Houses in or neer *London*, before security had and sought from him for Religion, which point neither is, nor can be proved. There is nothing which hath more hardened the Kings heart in refusing to do his duty for securing of Religion, then the unseasonable endeavours of some to restore him to the exercise of his Royall power before his securing thereof. 4. The Assembly well knew that there is a difference between a consequent in respect of order of time, and in respect of causality; but the bad consequences to Religion, which are apprehended from the bringing of his Majesty to *London* with Safety, Freedom and Honour before security had from him for Religion are consequents in respect of causality, both because the Declaration of Parliament, *May* 5. holdeth forth that his Majesty being so restored, will be put in such a condition whereby his concessions may be rendred effectuall, (which cannot as we conceive be understood without the exercise of his Royall power) and likewise because his Majestie being so principled, and holding himself obliged in conscience, and by his Coronation Oath, to establish *Episcopacy*, will use his utmost endeavours for the same. 5. Whereas their Lordships bring an instance of the Honour and Freedom given by God to our first Parents, which was not the cause of their abuse thereof that followed in time. We must humbly crave leave to say, that this instance might have better become Papists, who hold that there

there was some roots of concupiscence in *Adam* before his fall, then Protestants, who hold that there was no bad principle then lurking in his nature. And how shall their Lordships apply their Simile to the case in hand, unlesse they will say (which we know they will not) that the Kings Majestie hath no bad principle in him more then *Adam* before his fall. As for that which their Lordships adde in the close that they will not put in his Majesties hands any such power, whereby Religion or the Covenant may be endangered: For this point we are referred to the Declaration of Parliament *pag.* 13. which needeth no other answer, then was made by the late Commission of the Kirk in their Representation, *pag.* 17. *viz.* That upon supposition his Majestie is come to *London* with Honour, Freedom and Safety, we doubt not whether it may prove impossible to their Lordships (were they never so willing) to hinder the putting of such a power in his Majesties hands whereby Religion may be endangered.

As to the breach of the third Article, First 'tis answered, that breach of the Priviledge of Parliament and prejudice to the Liberty of the Subjects, should be best known to them. We might say by the same rule, that breach of the Priviledges and Liberties of the Kirk should be best known unto us; yet notwithstanding of our resentment of manifold encroachments upon the Liberties of the Kirk, their Lordships undertake in the beginning of these Observations to vindicate themselves from any such encroachments. But we shall only put their Lordships in minde of that whereunto this their Answer is applied. The Assembly complained that the Liberties of the Subjects are overthrown, and the persons and Estates of such as have been best affected to

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the Cause and Covenant, are exposed to most grievous injuries, and crying oppressions; Whereunto there is no other satisfaction returned, but that, prejudice to the Liberty of the Subjects should be best known to their Lordships. Shall the Subjects then shut their eyes, deny their sence, and blindly give up their persons, Liberties and Estates to the naked arbitrement of men? God forbid, We hope their Lordships will allow Subjects to know their Liberties better: And seeing men of all estates and degrees are under the bond of the Solemn League, each one swearing for himself, and seeing as we are taught by the Word of God, each one of us must give an account to God for himself; It cannot but necessarily follow, that no man is to depend upon, or follow blindely any humane authority whatsoever. As to the next instance of his Majesties negative voice in Parliament, their Lordships touch upon an Argument for it, drawn from the good use which may be made of it, and namely, in hindering the passing of an Ordinance for Toleration of *Sectaries*. Where 1. We wish their Lordships may here apply the good rule cited by themselves in the precedent Paragraph, *viz.* That evil may not be done that good may come of it. 2. 'Tis as strong an Argument, and stronger against it, that a very bad use may be made of it, to the overthrowing of the Covenant and Reformation of Religion, whereof there is no small ground of fear from his Majesties adhering to the Prelaticall principles. 3. Tis in recent memory, what offers of Toleration to such as differ from Presbyteriall Government, were contained in his Majesties Answer to the Propositions of both Kingdoms presented to him at *Hampton* Court, and in his Message from

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the Isle of Wight, dated Novemb. 16. 1647. So that we are sorry we have cause to say, Toleration of Sectaries stuck not so much upon his Majesties part, as other things to which he would not agree. The third instance which they call the second, concerning the subordination of Civill power to the good of Religion, is granted by their Lordships, and that it is a great sin in Kings to do otherwise, but that if Kings fail in Religion, Subjects are notwithstanding tied to obedience in things lawfull. We conceive it will not be denyed but that Subjects are as strictly tied to a subordination of all to God as the King is: Doth not the Word of God oblige all men, whether Kings or Subjects, to prefer the glory of God and good of Religion to all things, to seek it in the first place, and to postpone it to nothing whatsoever? If any man be of another opinion, surely 'tis new and strange Divinity, neither agreeable to the Scripture nor to the practise of the Jewish Church, nor to the Confessions of Faith of Reformed Churches; As for their Lordships qualification of the Subjects obedience in things lawfull, we only desire that another qualification may be taken alongst with it, *viz.* always preferring the glory of God, and the security of Religion to all humane interests.

For the point which was and is to be proved (if any thing be made out to the advantage of the present Engagement) is this, that though his Majestie will give no security for the true Religion and for the Covenant, but continue opposing the same to the utmost of his power, yet the Subjects are bound even in that case to take Armes in his Majesties quarrell, which (as hath been said) hath not been nor cannot be proved.

As for the breach of the fourth Article of the Covenant, their Lordships onely refer us to their Observations upon the Assemblies second Argument, and these were before answered.

When their Lordships come to speak to the breach of the fifth Article, we meet with one thing, which if th ere were no more may make all the people of God in the land to take good heed whose professions they now give belief unto: For in the narrative of the first Act of Levie, we finde these words. *And now finding that the Town of Berwick is seized on, & that the dangers are nearer to us then formerly, whether from Sectaries or Malignants, and that it is our duty to make use of the power and strength of the Kingdom for its preservation and safety.* How this can possibly agree with their Lordships Answer to the Assemblies Argument concerning the breach of the fifth Article, we cannot understand: There they will not own the seizing upon *Berwick*, here they do own it: There they make the seizing on *Berwick* to be a greater and neerer danger to the Kingdom; Here they make it necessary for preservation of the Kingdom: There they use a dubious expression, *Whether from Sectaries or Malignants*; Here they mention only dangers from Sectaries, as that which they lookt at in that businesse: Whether this be straight and upright walking we refer it to their Lordships own consciences. And whereas their Lordships intimate a paralell betwixt their garrisoning of *Newcastle* in the first expedition, and their garrisoning of *Berwick* and *Carlile* now, the parallell holds not: Because as there was neither then Covenant nor Treaties between the Kingdoms, so this Kingdom being then invaded was necessitate for their own preservation

to do what they then did. And as to the large Treaty, their Lordships naked affirmation, that what they do, consists with that Treaty, cannot satisfie mens consciences that it is so. Concerning the offer of a Treaty from the Parliament of *England* upon the Propositions of both Kingdoms, their Lordships are pleased to answer nothing, but passing that, they speak to another point, that they have received no satisfaction to their Demands sent to the Parliament of *England*, nor so much as a Treaty offered thereupon. Their Lordships may be pleased to remember that they themselves did not desire a Treaty upon their Demands, nor yet offer any assurance not to make War, if their Demands were granted: And what though the Parliament of *England* did not offer a Treaty with that limitation that it should be upon the three Demands of the Parliament of this Kingdom? might it not conduce as much and more to the setling of a happy Peace, and preventing of a new War, that they offered a more comprehensive and full Treaty, upon the Propositions agreed upon by the Parliaments of both Kingdoms? Lastly, whereas their Lordships say that the Parliament and Committee of Estates are only Judges, if the answer of the Parliament of *England* be satisfactory, we shall desire their Lordships to remember what we have touched before, that others also have a Judgement of discretion, and must not be led by implicite Faith or blinde obedience.

In answer to the breach of the sixth Article, Their Lordships do not deny, that they are to assist and defend many who have not entered into the League and Covenant, Onely they make a diversion, and desire it may be considered that while they are challenged

for this, yet no notice is taken in any Church Judicatories of these who have gone to the Army of Sectaries: But their Lordships may be pleased to take notice of this great difference, that their Lordships Declarations and Professions make manifest what was said in the Declaration concerning their assisting and defending many who have not taken the Covenant, Whereas that which is objected by their Lordships on the other hand concerning some gone to the Army of Sectaries, is not made to appear to us; And when the offence of such persons, if there be any, shall be made evident to us, we shall do what becometh us in our Places and Callings. As to that which their Lordships expect of the faithfull Covenanters in *England*, we do for our part hope for better things of them, and things that accompany Salvation, and we shall rest confident of them through the Lord, that they are and will be more mindfull of the Covenant, then to comply with any course contrary or prejudiciall thereunto, or prefer any humane interest to the securing of Religion.

To the next instance their Lordships answer by denying that they depart from their first principles, which we fear is but too true of some of them, who having before gone out from us because they were not of us, have now been most active in this ingagement; But sure we are, there is a departure from the first principles and resolutions expressed in the Covenant, Treaties and Declarations of both Kingdoms. Neither is this a bare humane assertion (as their Lordships are pleased to esteem it) for it was proved by the late Commission of the Kirk in their Declaration *March* 1. and in their Representation, whereunto the Declaration of the Assembly

ſembly did expreſſly relate. For proof of that particular, We ſhall here give inſtance, in the poſtponing of Religion to the Kings intereſt, in the aſſociation with Malignants, in the oppreſsion and perſecution of ſuch as have been moſt zealous and active for the Covenant and Reformation of Religion, in the manifold encroachments upon the liberties of the Kirk, Were theſe the firſt principles? Or rather what can be more contrary to the firſt principles?

The fifth Argument in the Aſſemblies Declaration, their Lordſhips are pleaſed to make very light of, as humane and popular, not Scripturall; But by their Lordſhips favour, it is no wiſe agreeable to Scripture rules to believe that all they who have been moſt zealous and faithfull in the Covenant and cauſe of God, ſhould be deceived and deluded in this buſineſſe, and that they who were enemies to the work of God in the beginning, and have never yet brought forth the fruits of repentance, ſhould now find out the will of God more then his moſt faithfull ſervants in the Land. We claime no infallibility, yet comparatively, it cannot be denyed that ſuch as have been for God and his cauſe are in a better, and more hopefull way to find out his will, then ſuch as have been, and are on the contrary ſide, and that God hath made a promiſe to his ſervants and children to guide them into all truth, *Joh.* 16. 13. to teach them in the way that he ſhould chooſe, *Pſal.* 25. 12. whereas there is no ſuch mercy promiſed to Malignant enemies of the cauſe and wayes of God.

The ſix Arguments which their Lordſhips are pleaſed to adde by way of retortion, to prove from each Article of the Covenant, that it had been a breach of

Covenant if they had not ingaged, may be (as we humbly conceive) very shortly and easily answered. All their six Arguments runne upon the dangers from Sectaries; And that such dangers are to be obviat by all lawfull wayes and means, we do most willingly agree with their Lordships; But why do not their Lordships provide against dangers on both hands? We hear no word of Malignants in these Arguments, except in the fourth which tells us they have been punished already. That we are obliged by solemn Covenant to endeavour the extirpation of Heresie and Schisme, is manifest and uncontroverted among us; The point complained of is, that upon pretence of doing against Sectaries, there is an associating and joyning with Malignants, a strengthning of the enemies who formerly fought against the Covenant, a casting down of what hath been built, so that the remedy is worse then the disease, and the latter end worse then the beginning. What their Lordships assert of duties to the King, have been aboundantly answered before; We plead against no duty to the King, but for preferring the glory of God, and security of Religion to all humane interests. We wish their Lordships may here apply to themselves, what they have blamed in others, and so we shall conclude with their Lordships own words in their late Declaration to the Parliament and Kingdome of *England*, Pag. 13. *We are sorry to see other interests still so carefully provided for, and so little security to Religion, which indeed was the main and principall cause of our engagements in the late Warres.*

A. Kerr.

FINIS.